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**FILED**

NOV 22 2005

RICHARD W. WICKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,  
12  
Plaintiff,

13 v.

14  
15 HOWARD N. FLYNT,

16 Defendant.

) No. CR 05-00486 MJJ

) STIPULATION AND ~~PROPOSED~~  
) ORDER FOR CONTINUANCE OF  
) COURT DATE AND EXCLUSION  
) OF TIME UNDER THE SPEEDY  
) TRIAL ACT, 18 U.S.C. § 3161 ET  
) SEQ.

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the court date  
18 in this case, currently scheduled for Friday, November 18, 2005 at 2:30 p.m. in Oakland,  
19 California, before Honorable Judge Martin Jenkins, may be continued to Friday, December 16,  
20 2005, at 2:30 p.m., in Oakland, California, before Honorable Judge Martin Jenkins for status. The  
21 current status of the case is that defense counsel is continuing to review discovery and conduct  
22 investigation for either a change of plea or trial setting. A continuance to December 16, 2005, will  
23 enable defense counsel to continue with its investigation. The parties therefore stipulate that the  
24 time from November 18, 2005, to December 16, 2005, should be excluded in accordance with the  
25  
26

STIP. CONTINUING  
COURT DATE

1 provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv) for adequate  
2 preparation of counsel in order to allow defense counsel to obtain additional documents and  
3 continue with its investigation.  
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5  
6 DATED: November 17, 2005

/S/

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JOYCE LEAVITT  
Assistant Federal Public Defender

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9 DATED: November 17, 2005

/S/

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CANDICE JAN  
Assistant United States Attorney

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12  
13 SIGNATURE ATTESTATION

14 I hereby attest that I have on file all holograph signatures indicated by a "conformed"  
15 signature ("S/") within this efiled document.  
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STIP. CONTINUING  
COURT DATE

1 **ORDER**

2 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the court date, currently  
3 scheduled for Friday, November 18, 2005, 2005, at 2:30 p.m., in Oakland, California, before  
4 Honorable Judge Martin Jenkins, shall be continued to Friday, December 16, 2005, at 2:30 p.m., in  
5 Oakland, California, for status.  
6

7 IT IS FURTHER ORDERED that the time from November 18, 2005, to December 16, 2005,  
8 should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§  
9 3161(h)(8)(A) and (B)(iv) for adequate preparation of counsel in order to allow defense counsel to  
10 obtain documents and continue with its investigation. The Court finds that the ends of justice  
11 served by the granting of the continuance outweigh the best interests of the public and the  
12 defendant in a speedy and public trial because additional review and investigation is necessary and  
13 the failure to grant the requested continuance would unreasonably deny the defendant's counsel  
14 the reasonable time necessary for effective preparation, taking into account due diligence.  
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16 SO ORDERED.

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18 DATED: 11/22/2005

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HONORABLE MARTIN J. JENKINS  
United States District Judge  
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STIP. CONTINUING  
COURT DATE